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BEFORE THE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA

STATE OF NEBRASKA, *ex rel.*,
STATE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA,

Complainant,

v.

JANELLE MARIE WISE

Respondent.

CASE NO 2014-019

STIPULATION AND CONSENT ORDER

Respondent Janelle Marie Wise ("Wise") and The State of Nebraska, by and through the State Real Estate Commission of the State of Nebraska (the "Commission"), hereby stipulate and agree as follows:

1. A Complaint was served upon Wise for alleged violations of Nebraska Real Estate License Act. The Complaint was issued in the above-captioned case and is incorporated as a part of this Stipulation and Consent Order.
2. Wise recognizes her right to a hearing on this matter pursuant to law, acknowledges that she knowingly and voluntarily waives her right to said hearing, acknowledges that she waives her right to any appeal from this Order of the Commission, and she agrees to accept the terms and conditions of this Stipulation and Consent Order.
3. At all times material to this case, Wise was and is the holder of a real estate salesperson license issued by the Commission. At all times relevant to this Stipulation and Consent Order Wise was affiliated with employing broker Hobert Eugene Brake, HomeServices of Nebraska, Inc., d/b/a Home Real Estate, located at 225 No. Cotner Blvd., Suite 102, Lincoln, NE 68505.
4. Wise warrants that the stipulated facts set forth in this Stipulation and Consent

Order, and Case No. 2014-019, are accurate and complete and acknowledges that she has provided all material information in her knowledge, possession, custody, or control to the Commission as an affirmative assertion, knowing and intending that the Commission would rely upon the same. Wise further acknowledges that: (A) she has no knowledge of any information which is material to the pending complaint proceeding which has not already been fully disclosed to the Commission; (B) in deciding to accept this Stipulation and Consent Order, the Commission has reasonably relied upon the accuracy and the completeness of Wise's disclosures and warranties thereof; and (C) the representations contained in this Paragraph 4 are material to and substantially contributed to the Commission's decision to accept this Stipulation and Consent Order. Wise further acknowledges that, if she has made any misrepresentations to the Commission regarding the subject matter of this complaint preceding, either by omission or commission, the Commission may vacate this Stipulation and Consent Order and re-institute the prosecution of this case against Wise.

5. In 2013, Gregory and Jeannette Yaussi (the "Sellers") had listed for sale their home located at 8015 Hunters Ridge Road, in Lincoln, Nebraska (the "Subject Property"), with Wise.

6. On October 11, 2013, Patrick and Janet McGrane (the "Buyers") signed Mark Graham's Agency Disclosure in which he disclosed that he would be acting as a limited buyer's agent, and that the Buyers were clients.

7. On October 11, 2013, Mark Graham wrote Buyers' Purchase Agreement ("Offer # 1") in which Buyers offered to purchase the Subject Property on the following terms: (A) \$281,750.00 purchase price, which was subsequently increased to \$285,750.00; (B) Ernest money deposit of \$2,000.00; (C) Bridge loan for \$225,400.00; and (D) balance paid in cash or

certified funds at closing on December 10, 2013.

8. After limited negotiations, the Sellers decided to accept the Buyers' offer. Wise notarized the Sellers' signatures on Offer # 1 on October 11, 2013. However, the Sellers never signed the acceptance of Offer # 1.

9. On October 16, 2013, Mark Graham wrote Buyers' Purchase Agreement ("Offer # 2") in which Buyers offered to purchase the Subject Property on the following terms: (A) \$285,750.00 purchase price \$285,750.00; (B) Earnest money deposit of \$2,000.00; (C) Conventional/Bridge loan for \$228,600.00; (D) balance paid in cash or certified funds at closing on December 18, 2013; and (E) Inspections.

10. Sellers signed their acceptance of Offer # 2 on October 18, 2013. However, Wise did not notarize Sellers' signatures until October 19, 2013.

11. On December 18, 2013, the transaction for sale of the Subject Property was closed.

Findings

12. The State Real Estate Commission of the State of Nebraska incorporates the allegations in paragraphs 1 through 11 above as if fully set forth herein.

13. The State Real Estate Commission of the State of Nebraska finds that Respondent Janelle Marie Wise violated Neb. Rev. Stat. 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for notarizing the Sellers' signature on the Purchase Agreement dated October 11, 2013, when the Sellers never signed the Purchase Agreement, and for notarizing the Sellers' signature on October 19, 2013, when the Sellers' signed the October 16, 2013, Purchase Agreement on October 18, 2013.

14. Respondent Janelle Marie Wise admits that the allegations as stated in Paragraphs 1 through 13 above are true. Wise agrees with the actions of the Commission and accepts the penalty which shall be made part of her permanent record maintained in the office of the State Real Estate Commission of the State of Nebraska, and which shall be received into evidence in any subsequent proceeding against her, should one arise.

10. Respondent Janelle Marie Wise has had no prior disciplinary action taken against her Nebraska real estate salesperson's license.

11. The following disciplinary action is imposed upon the respondent Janelle Marie Wise in the public interest and for the protection of public health, safety, and welfare:

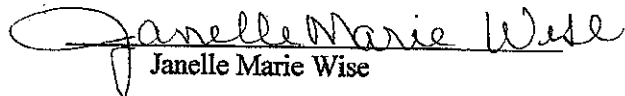
ACCORDINGLY, IT IS ORDERED, AS FOLLOWS:

A. The Nebraska real estate salesperson's license of Respondent Janelle Marie Wise is hereby suspended for a period of three (3) months, with the entire balance of such three (3) month suspension stayed and served on probation. Should Wise violate any law administered by the State Real Estate Commission of the State of Nebraska during the entirety of her probationary suspension period, it may result in a Show Cause proceeding being brought against her by the Commission, in which case, her Nebraska real estate salesperson's license may be suspended for the remainder of the probationary suspension period and, in addition to or as an alternative to such suspension, the Commission may, as the result of the findings of such hearing, impose any other sanctions as provided in the Nebraska Real Estate License Act.

B. Within thirty (30) days of the signing of this Order by the Chairperson of the Commission, Respondent Janelle Marie Wise shall pay a civil fine in the amount of \$500.00. Said civil fine payment shall be submitted to the Commission under separate cover letter, addressed to Commission Director Greg Lemon, with reference to Case No. 2014-019.

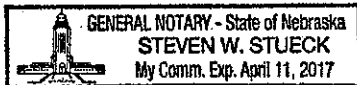
C. Respondent Janelle Marie Wise shall within the next ninety (90) days be required to complete six (6) hours of continuing education, in addition to the mandatory eighteen (18) hours required by the Nebraska Real Estate License Act, in the areas of Contracts and Ethics.

Dated this 4th day of FEB, 2015.

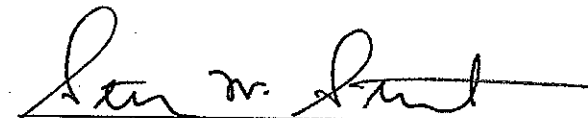

Janelle Marie Wise

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER)

Now on this 4th day of February, 2015, before me, a duly appointed and qualified Notary Public, personally appeared Janelle Marie Wise, known to me to be the same and identical person who signed the above and foregoing Stipulation and Consent Order and acknowledges the execution thereof to be his voluntary act and deed.



Notary Seal


Notary Public Signature

Complaint No. 2014-013

Accepted and approved this _____ day of _____, 2015.

STATE OF NEBRASKA, *ex rel.*, STATE
REAL ESTATE COMMISSION OF THE
STATE OF NEBRASKA

By: _____
John A Gale, Chairperson

Attest By:

Greg Lemon, Director